

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

LINDA JAHNKE,

Plaintiff,

v.

PURVIS PRESHA, et al.,

Defendants.

No: 3:08cv-1074

JUDGE HAYNES

**ORDER REMANDING CASE TO STATE COURT AND AWARDING
ATTORNEYS' FEES TO PLAINTIFF LINDA JAHNKE**

Based on the pleadings, motions and briefs of the parties, as well as oral argument from counsel presented at the case management conference on January 26, 2009, the Court finds that the removal by Bankers' Life was objectively unreasonable under the circumstances.

Therefore, for good cause shown, Plaintiff's Motion to Remand is GRANTED and this case is hereby remanded to the Chancery Court for Davidson County, Tennessee, for further proceedings.

Furthermore, based on the foregoing, Plaintiff's Motion for Attorneys' Fees is GRANTED and Defendant Bankers' Life & Casualty Company is hereby ordered to pay Plaintiff Linda Jahnke the amount of \$2,000.00 for the attorneys' fees that she incurred as a result of the improper removal by Bankers' Life.

SO ORDERED this ____ day of January, 2009.

U.S. DISTRICT COURT JUDGE

SUBMITTED FOR ENTRY BY:
BAYDOUN & KNIGHT, PLLC

By: /s/ Nader Baydoun
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via electronic delivery to **Martin B. Bailey and John L. Miller, of Wagner, Myers and Sanger, P.C.**, 1801 First Tennessee Plaza, P.O. Box 1308, Knoxville, TN 37901-1308 on this 27th day of January, 2009.

/s/Nader Baydoun